

The Planning Board held a meeting on June 1, 2010 at 7:00 in the GAR Room, City Hall. Members present: Chairperson Wayne McAllister, Anthony Donegan, Paul Sullivan, Vahan Boyajian, James McCarthy, Susan Nicastro and Avalon McLaren. Also present was Secretary Pamela Gurley.

1. Proposed Revision to Approved Site Plan - 76 Campanelli Drive

Ed Ryberg, Land Tech
Jean McClain (Owner)

Mr. Ryberg said that they are requesting to make a revision to the landscaping plan previously approved by the Planning Board. He said the revision significantly increases plant count. He said that the landscaping company suggested they plant low maintenance shrubs and plants.

Mr. McAllister asked about the parking lot lights and the property owner (Jean McClain) said they were rewired so that the lot is well lit after dark. Mr. McAllister asked what the name of the company leasing the property was and was told the American Renal Association.

A motion was properly made (McLaren), seconded (McCarthy) and unanimously passed to accept the changes to the plans as presented to the Board.

2. Permission to Return to the ZBA

Property: 306 Crescent Street
Applicant/Representative: Attorney John Creedon
ZBA Denial: April 13, 2010

Bruce Malcolm, Land Surveys
Cecelia DeRendes (Applicant)

Attorney Creedon said that the applicant seeks to open a restaurant in a small strip center at the corner of Crescent and Lyman Streets. He said that the applicants request before the ZBA was denied because of inadequate plans. Mr. Donegan read the ZBA denial into the record which stated that the plans submitted to the Board were inadequate. Mr. Boyajian, who represents the Planning Board on the ZBA, said that the ZBA vote in the record was incorrect and should be 3 to 2.

Ms. Derendes said that she opened week and half ago for take out only and would like to re-submit her plans to the ZBA for permission for seating. Mr. Donegan made a suggestion for a right turn only coming out of the business out on Lyman St. The Board agreed with the suggestion. Mr. Malcolm said that the new plans also show plantings which have already been planted. Mr. McLaren said that the plantings will help to make the area more attractive and will help to attract business.

Mr. Donegan read the conditions on which an applicant can be granted approval to return to the ZBA.

A motion was properly made (McLaren), seconded (Donegan) and unanimously passed to grant permission to return to the ZBA with the recommendation that there is a right hand only turn from the parking lot to Lyman St.

3. Proposed Zoning Changes

- I. Sec. 27-35 I-3 Zones (Heavy Industrial Zones)
- II. Sec 27-34 I-2 Zones (General Industrial Zones)
- III. Article XIII. Definitions, Sec. 27-61
- IV. Sec, 27-11 Standards for Industrial Zones (Table 3)
- V. Sec. 27-24 (Fencing and Planting Screens)

Mr. Donegan read the text of the proposed change into the record.

Councillor Thomas Brophy explained that the first part of the change deals with prohibited uses in an I-3 Zone and is an amendment to the change previously passed by the Council.

Councillor Brophy said the remainder of changes deal with “clarifications to the definitions” and the changes also address cell towers and height restrictions related concerns.

The Chairman then invited attendees to comment:

Councillor Robert Sullivan said that this amendment will not prohibit green technology; he said it makes sense for the future of the City of Brockton

Laurie Matthews asked about the power plant site and said that the I-3 Zone change was made in Council already. Councillor Brophy said that use was permitted in an I-2 zone but this proposed Ordinance change deletes the use as a permitted use. It will also prohibit fossil fuel burning plants in an I-2 Zone to which there will be no relief. Ms. Matthews noted that prior changes to the Zoning Ordinances do not appear in the version available on line.

Loretta Murray thanked the Councilors and asked to be recorded in favor.

Barbara Carchidi said that she is opposed to the plant and agreed that cell towers need to be regulated and asked to be recorded in favor.

A motion was properly made (Donegan), seconded (McCarthy) and unanimously passed to favorably recommend the zoning change as amended.

4. Site Plan Approval

Property: 300 Manley Street

Applicant: Bernardi Auto Group

Representative: Metro West Engineering

Jim Carney
Amy Rossi
Attorney Paul Feldman

Councillor Dennis Eaniri said that this site is within Ward 3 and he wants to be on records as whole heartedly in favor. He said that the site is a desolate property and this project will bring \$19 million into city by the time it is completed. This is a great location for a car dealership that will bring 200 jobs and he is totally 100% behind the project.

Councillor Todd Petti asked to be recorded in favor and said he echoes the remarks of Councillor Eaniri. He said the new trend in the car industry is to be located off a highway. He said this project will beautify the area.

Councillor Robert Sullivan said he is also in support of the project; that it will be good for Brockton and will increase the tax base.

Attorney Feldman said that the use is allowed as of right. He said Bernardi is a long established dealership with a good reputation. He said approximately 1,000 applicants bid for the dealership with Honda and Hyundai and they are careful in how it unveils its product. He said that they currently have dealerships in Framingham, Natick. He said that car dealerships are carefully regulated.

Mr. Boyajian asked which way the building will face and was told Manley Street. He asked the size of the existing building and was told 205,000 SF and that the new buildings together will be a total of 67,000SF.

Mr. Donegan asked when they plan to open and Mr. Carney said they hope to be open by Feb. 2011.

Sean Fahey (contractor) noted that all new impervious surfaces will be infiltrated; he said there is no existing storm waste management on site now...water just sheet flows.

Ms. Nicastro asked about the drainage easement that runs though the property under the existing building from the abutting property owner by the Veterans Administration. She was told that when the building is being demolished, the building portion located over the easement will be kept intact as long as possible; the new buildings will not be constructed over the easement.

Mr. Fahey said that the last part of the building to be removed will be the slab, he said that the depth of the drainage pipe is 14 ft below slab. Mr. Boyajian asked about the size of each proposed building and was told that the Hyundai site will be 20,000 SF and the Honda site will be 40,000 SF.

Mr. McAllister asked about the traffic patterns on the W. Chestnut St. side specifically if it will be a right hand turn only to which Mr. Carney said yes.

A motion was properly made (Donegan), seconded (Boyajian) and unanimously passed to grant site plan approval with the condition that there be a right turn only onto W. Chestnut Street.

5. Definitive Subdivision

Property: 11 Stern Ave. & 25 Granite St.

Applicant: Walter & Patricia Balchunas

Representative: Land Surveys Inc.

Bruce Malcolm, Land Surveys

Attorney Joel Hershman

Mr. Donegan read the ZBA decision of 1-8-09 into the record.

Mr. Malcolm said that there are two existing lots and two proposed lots; he said they are reducing water runoff by eliminating the existing skating rink and the garage. The runoff from the proposed colonial house on Hartley will be recharged into drywells in both the front and back of the house. He said the runoff from only the rear of the other proposed house will be recharged into drywells.

Mr. McCarthy noted that they were looking for a waiver from sidewalks and curbing requirements and noted there are no existing sidewalks or curbing existing now. He said utility pole # 4 is located beside the lot and would like that house to have underground utilities. He said he a berm or curbing might dress up the area.

Mr. Malcolm said that the subdivision on Granite St. (by the woods) has a cape cod berm. He said there is no curbing or sidewalks anywhere in area. He said that the front of house on Hartley is being graded towards Sterns Avenue.

Mr. McLaren agreed that he would like to see cape cod berm at the least to accentuate the property.

Ms. Nicastro asked which house belonged to the owner and was told the existing one story house.

A motion was properly made (Donegan), seconded (Boyajian) and unanimously passed to grant approved to the definitive subdivision with the following additional conditions:

1. Per the ZBA decision the Board must receive a letter of approval from engineers regarding the proposed drainage.

2. There is to be underground electric to lot 4.
3. Developer is responsible to install cape cod berm to run from Hartley, to Granite and Stearns.

The following sections of the rules and regulations were granted waivers.
A motion was properly made (McLaren), seconded (Donegan) and unanimously passed to grant a waiver to Section IV: Design Standards: B. Streets 3. Width .

A motion was properly made (McLaren), seconded (Boyajian) and unanimously passed to grant a waiver to Section IV: Design Standards: F. Utilities to lot 3 the remaining lot is to have underground utilities.

A motion was properly made (McLaren), seconded (Donegan) and unanimously passed to grant a waiver to Section V: Required Improvements for an Approved Subdivision: C. Curbs and Sidewalks; relief from sidewalks was granted. Cape code berm is to be installed from Hartley to Granite to Stearns Streets.

A motion was properly made (Boyajian), seconded (McLaren) and unanimously passed to grant a waiver to Section III:B3 Definitive Plan Contents J. Profiles M. Proposed layout of storm drainage N. Typical cross section and B4 Impact Study.

Mr. McAllister asked about the surety to be posted and was told that the method of surety would be a covenant.

Other Business

Review and Approve of Minutes

A motion was properly made (McLaren), seconded (Donegan) and unanimously passed to accept the minutes from the May meeting with the correction to page 2 "approval".